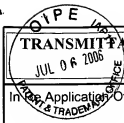


07-07-06

120



TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15436.247.11.1

In this Application Of: **Hofmeister et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/697,395	October 30, 2003	Kenneth J. Malkowski	022913	2633	7465

Title: **AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☒ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
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Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/697,395	October 30, 2003	Kenneth J. Malkowski	022913	2633	7465

Title: **AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES**



Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
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Dated: July 6, 2006

Peter F. Malen, Jr.
Attorney for Applicants
Reg. No. 45,576
Telephone No. 801-533-9800

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Hofmeister et al.

Docket No.

15436.247.11.1

Application No.

10/697,395

Filing Date

October 30, 2003

Examiner

Kenneth J. Malkowski

Customer No.

022913

Group Art Unit

2633

AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Invention:



I hereby certify that the following correspondence:

Information Disclosure Statement (2 pgs); Form 1449 (8 pgs); copies of 31 non-patent references; Transmittal Letter (2 pgs in duplicate); Credit Card Payment Form and Postcard

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 6, 2004
(Date)

Gina Meredith

(Typed or Printed Name of Person Mailing Correspondence)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hofmeister et al.

) Art Unit
) 2633

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is

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presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed non-patent references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations known by the undersigned to be within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

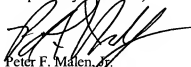
Since all listed references are either in the English language, or are accompanied by either a translation into English, or an English language Abstract, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Submission Fee
Under 37 C.F.R. § 1.97(c)

In accordance with 37 C.F.R. § 1.97(c), payment in the amount of \$180.00 to cover the submission fee is enclosed to secure consideration of the references submitted with this Information Disclosure Statement. Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 6TH day of July, 2006.

Respectfully submitted,



Peter F. Malen, Jr.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone No. 801-533-9800

PFM/gpm

Form PTO-1449

Sheet 1 of 8

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: ~~2633~~ 2613

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
/M.R.S./ 1	4,359,553	11/16/1982	Edwards
/M.R.S./ 2	4,378,451	03/29/1983	Edwards
/M.R.S./ 3	4,687,924	08/18/1987	Galvin et al.
/M.R.S./ 4	4,734,914	03/29/1988	Yoshikawa
/M.R.S./ 5	4,747,091	05/24/1988	Doi
/M.R.S./ 6	4,809,286	02/28/1989	Kollanyi et al.
/M.R.S./ 7	4,916,707	04/10/1990	Rosenkranz
/M.R.S./ 8	5,019,769	05/28/1991	Levinson
/M.R.S./ 9	5,039,194	08/13/1991	Block et al.
/M.R.S./ 10	5,041,491	08/20/1991	Turke et al.
/M.R.S./ 11	5,268,949	12/07/1993	Watanabe et al.
/M.R.S./ 12	5,287,375	02/1994	Fujimoto
/M.R.S./ 13	5,334,826	08/02/1994	Sato et al.
/M.R.S./ 14	5,383,208	01/17/1995	Queniat et al.

Examiner: /M. R. Sedighian/

Date Considered: 05/20/2008

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Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: ~~2633~~ 2613

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

/M.R.S./ 15	5,392,273	02/21/1995	Masaki et al.
/M.R.S./ 16	5,396,059	03/07/1995	Yeates
/M.R.S./ 17	5,448,629	09/05/1995	Bosch et al.
/M.R.S./ 18	5,516,563	05/14/1996	Schumann et al.
/M.R.S./ 19	5,557,437	09/17/1996	Sakai et al.
/M.R.S./ 20	5,574,435	11/12/1996	Mochizuki
/M.R.S./ 21	5,576,877	11/19/1996	Aulet et al.
/M.R.S./ 22	5,594,748	01/14/1997	Jabr
/M.R.S./ 23	5,604,758	02/1997	AuYeung et al.
/M.R.S./ 24	5,673,282	09/30/1997	Wurst
/M.R.S./ 25	5,748,672	05/1998	Smith et al.
/M.R.S./ 26	5,761,216	06/02/1998	Sotome et al.
/M.R.S./ 27	5,801,866	09/01/1998	Chan et al.
/M.R.S./ 28	5,812,572	09/22/1998	King et al.
/M.R.S./ 29	5,926,303	07/20/1999	Giebel et al.
/M.R.S./ 30	5,953,690	09/14/1999	Lemon et al.
/M.R.S./ 31	5,956,168	09/21/1999	Levinson et al.
/M.R.S./ 32	5,966,395	10/1999	Ikeda
/M.R.S./ 33	6,049,413	04/2000	Taylor

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Date Considered: 05/20/2008

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Filing Date: October 30, 2003

Group: ~~2633~~ 2613

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

<u>/M.R.S./</u> 34	6,055,252	04/2000	Zhang
<u>/M.R.S./</u> 35	6,064,501	05/16/2000	Roberts et al.
<u>/M.R.S./</u> 36	6,157,022	12/05/2000	Meada et al.
<u>/M.R.S./</u> 37	6,160,647	12/12/2000	Gilliland et al.
<u>/M.R.S./</u> 38	6,175,434	01/2001	Feng
<u>/M.R.S./</u> 39	6,188,059	02/13/2001	Nishiyama et al.
<u>/M.R.S./</u> 40	6,198,558	03/2001	Graves et al.
<u>/M.R.S./</u> 41	6,205,505	03/20/2001	Jau et al.
<u>/M.R.S./</u> 42	6,222,660	04/24/2001	Traa
<u>/M.R.S./</u> 43	6,229,788	05/2001	Graves et al.
<u>/M.R.S./</u> 44	6,292,497	09/2001	Nakano
<u>/M.R.S./</u> 45	6,313,459	11/2001	Hoffe et al.
<u>/M.R.S./</u> 46	6,423,963	07/23/2002	Wu
<u>/M.R.S./</u> 47	6,473,224	10/29/2002	Dugan et al.
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<u>/M.R.S./</u> 50	6,526,076	02/2003	Cham et al.
<u>/M.R.S./</u> 51	6,570,149	05/2003	Maruyama et al.
<u>/M.R.S./</u> 52	6,594,050	07/2003	Jannson et al.

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Date Considered: 05/20/2008

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For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

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<u>/M.R.S./</u> 55	6,661,836	12/2003	Dalal et al.
<u>/M.R.S./</u> 56	6,694,462	02/2004	Reis et al.
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<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Pub. Date</u>	<u>Name</u>
<u>/M.R.S./</u> 63	2001/0046242	11/29/2001	Kawakami et al.
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<u>/M.R.S./</u> 65	2002/0027688	03/07/2002	Stephenson
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<u>/M.R.S./</u> 67	2002/0101641	08/2002	Kurchuk

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Date Considered: 05/20/2008

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Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: ~~2633~~ 2613For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC
DEVICES

<u>/M.R.S./</u> 68	2002/0105982	08/2002	Chin et al.
<u>/M.R.S./</u> 69	2002/0129379	09/2002	Levinson et al.
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<u>/M.R.S./</u> 76	2003/0210917	11/13/2003	Stewart et al.
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<u>/M.R.S./</u> 80	2004/0202210	10/14/2004	Thornton
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<u>/M.R.S./</u> 82	2004/0253003	12/2004	Farmer et al.
<u>/M.R.S./</u> 83	2005/0031352	02/10/2005	Light et al.
<u>/M.R.S./</u> 84	2005/0058455	03/17/2005	Hosking et al.

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Group: ~~2633~~

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Foreign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office
/M.R.S./ 85	JP 402102589 A	04/16/1990	Japan
/M.R.S./ 86	JP 404023373 A	01/1992	Japan
/M.R.S./ 87	06209209 A	07/26/1994	Japan (Abstract)
/M.R.S./ 88	09162811 A	06/20/1997	Japan (Abstract)
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/M.R.S./ 91	EP0745868B1	04/17/2002	EPO
/M.R.S./ 92	PCT/US02/03226	05/09/2002	PCT (search report)
/M.R.S./ 93	WO 02/063800 A1	08/15/2002	PCT
/M.R.S./ 94	EP 02704344	10/05/2004	EPO (search report)
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/M.R.S./ 96	WO/2004/098100	11/11/2004	PCT
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/M.R.S./ 98	JP 58140175 A (abstract)	08/19/1983	Japan
/M.R.S./ 99	JP 62124576 A (abstract)	06/05/1987	Japan
/M.R.S./ 100	JP 62235975 A (abstract)	10/16/1987	Japan
/M.R.S./ 101	JP 62281485 A (abstract)	12/07/1987	Japan

Examiner: /M. R. Sedighian/

Date Considered: 05/20/2008

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Group: ~~2633~~ 2613

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

- /M.R.S./ 102 Yi Cai et al., "Jitter testing for gigabit serial communication transceivers," Jan - Feb 2002, IEEE Design and Test of Computers, Vol. 19, Issue 1, pp 66-74.
- /M.R.S./ 103 MAEDA, Noriyuki "Notification of Reason(s) for Refusal," Japanese Patent Application No. JP2002-563630, Nakamura, M. et al., July 13, 2005.
- /M.R.S./ 104 Finisar Corp., "App. Note AN-2025: Using the Finisar GBIC I²C Test Diagnostics Port," 1998.
- /M.R.S./ 105 Hausdorf, Reiner, "Mobile Transceiver Measurements with Radiocommunication Service Monitor CMS," News from Rohde & Schwarz, 127, IV, 1989, pp 4-7.
- /M.R.S./ 106 Webopedia: The 7 Layers of the OSI Model [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://webopedia.internet.com/quick_ref/OSI_Layers.asp
- /M.R.S./ 107 Webopedia.com: Public-Key Encryption [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://www.webopedia.com/TERM/p/public_key_cryptography.html
- /M.R.S./ 108 Webopedia.com: MAC Address [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://www.webopedia.com/TERM/M/MAC_address.html
- /M.R.S./ 109 Webopedia.com: 12C [online] [retrieved 11/11/03]. Retrieved from Internet: URL: <http://www.webopedia.com/TERM/I/12C.html>
- /M.R.S./ 110 Manchester Encoding [online] [retrieved 11/12/03]. Retrieved from Internet: URL: <http://www.erg.abdn.ac.uk/users/gorry/course/phy-pages/man.html>
- /M.R.S./ 111 Documentation entitled "IR Receiver ASSP: T2525", copyright 2003 by Atmel Corporation

Examiner: /M. R. Sedighian/

Date Considered: 05/20/2008

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: ~~2633~~ 2613

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

- /M.R.S./ 112 Documentation entitled "IR Receiver for Data Communication: U2538B", copyright 2003 by Atmel Corporation
- /M.R.S./ 113 Documentation entitled "Low-Voltage Highly Selective IR Receiver IC: T2527", copyright 2002 by Atmel Corporation
- /M.R.S./ 114 Documentation entitled "Application Note: T2525/26/27", copyright 2003 by Atmel Corporation
- /M.R.S./ 115 *Optiport SFF BiDi-Transceiver 100 Mbit/s, 1310 nm Tx/1550 nm Rx*, Infineon Technologies, June 22, 2004, pp. 1-14.

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

GPM0000002372V001

Examiner: /M. R. Sedighian/

Date Considered: 05/20/2008

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